

Remarks

Claims 1, 4, 5, 8, 10, 11 and 19 remain pending in the application. Claim 9 is canceled.

The Office Action requires a priority claim pursuant to 37 CFR 1.78(a)(2)(ii) and (a)(5)(ii). The amendment to specification is presented above to include a priority claim, notwithstanding that 37 CFR 1.78(a)(2)(i) and (a)(5)(i) appear to make clear that a reference is not required in the national stage applications. The Applicants' attorney can find no instance of an issued national stage patent containing such a reference (but has identified many that do not), suggesting that the cited CFR sections have not heretofore been applied to national stage applications. Thus, the Applicant suggests that the amendment to the specification be conditioned on confirmation by the Examiner that it is necessary and proper.

The Office Action rejects claim 1 as obvious over Masuda, et al., Wireless Communication Restriction Device, Repeater And Base Station, U.S. Pub. 2004/0203911 (Oct. 14, 2004) in view of Moriya, Mobile Communication System Including Service Management Of Traffic Machines, U.S. Patent 6,108,535 (Aug. 22, 2000). Claim 4 is rejected over Masuda in view of Moriya and Shields, Transmitter Circuit Architecture And Method For Reducing In-Band Noise In Point To Multipoint Communication Systems, U.S. Patent 6,701,157 (Mar. 2, 2004). Claims 5 and 8 are rejected as obvious over Masuda in view of Moriya and Yarkosky, Method For In-Building Distribution Using Wireless Access Technology, U.S. Patent 6,895,218 (May 17, 2005). Claim 1 has been amended with the inclusion of limitations from claim 9, thus mooted these rejections.

The Office Action rejects claim 9, 10, 11 and 19 as obvious over Masuda in view of Moriya and further in view of Bolch, et al., Remote Rescue Of Trapped Elevator Passengers, U.S. Patent 6,364,066 (April 2, 2002) under the assertion that Masuda and Moriya teach all the elements of original claim 1 and that Moriya teaches the first and second interfaces and their claimed functions and the first and second combiner/decoder with their claimed functions, and that Bolch teaches driver signals, and the further assertion that it would have been obvious to combine Bolch into a lift shaft and car combination achieved by combining Moriya and Masuda to increase convenience.

The rejection is not supported by any explanation as to how the proffered motivation of "convenience" might lead one of skill in the art to combine the references to meet the claim language. More fundamentally, the Examiner has not shown that the motivation of convenience exists in the art. None of the references suggest that convenience is a motivation for any of their teachings. If the motivation does exist in the art, none of the references indicate whose convenience is to be enhanced: convenience for system designers might come at the inconvenience of users, while convenience for users might come at the inconvenience of installers, while convenience of installers might come at the inconvenience of facility owners. The examiner's mere invocation of convenience as a motivation thus demonstrably fails to establish that it is a motivation in the art, or that it would lead to any modification of prior art references. Thus, a prima facie case of obviousness has not been made out, and claim 9 is patentable.

The Examiner's proposed combination does not meet all the limitations of the claims. Bolch does not teach a driver as

suggested by the Examiner. Bolch states that his system provides a rescue signal from the remote control station which directs a monitoring device to release brake and allow the motor to move the elevator cab to an adjacent door zone. (Bolch, col. 3, ll. 39-62.) Bolch's rescue signal is distinct from the driver signal as recited in original claim 9, current claim 1.

In Bolch, the rescue signal from the remote control station operates a release mechanism such as the brake to allow the elevator cab to move to an appropriate door zone, while the driver signal as recited in original claim 9 is transmitted from the control station to the signaling and driving system through wireless communication system using an RF signal for controlling the lift car that is moveable within a lift shaft. Bolch does not suggest or provide any hint to transmit the driver signal from the control station to the signaling and driving system through wireless communication system using RF signal for controlling the lift car that is moveable within a lift shaft, as claimed in currently amended claim 1. Thus, original claim 9, and current claim 1, should be allowable.

Conclusion

This response has addressed all of the Examiner's grounds for rejection. The rejections based on prior art have been traversed. Reconsideration of the rejections and allowance of the claims is requested.

Date: November 13, 2007

By: K. David Crockett/

K. David Crockett, Esq.
Reg. No. 34311